

### **REMARKS**

Reconsideration of this application, as amended, is respectfully requested. The specification has been amended to introduce SEQ ID numbers and correct typographical errors. Claims 73 and 75-78 have been amended. All amendments are made without prejudice or disclaimer. Applicants reserve the right to prosecute any cancelled, non-elected, or otherwise unclaimed subject matter in a subsequently filed continuation, divisional, or other application. These amendments do not add any new matter and are supported by the originally filed application. Consideration and entry of these amendments is respectfully requested.

### **AMENDMENT TO THE SPECIFICATION**

The Office Action indicated that the amendment to the specification would have been entered if the proposed amendment to page 34, line 26 complied with 37 C.F.R. 1.121(b)(1)(ii) by including the full replacement paragraph. That portion of the proposed amendment has been corrected. Consideration and entry of the amendments to the specification is respectfully requested.

### **SEQUENCE LISTING**

A new Sequence Listing is submitted herewith in computer-readable and paper form. The error in SEQ ID NO.: 51 has been corrected ("Asn Leu Asn Tyr Gln Gly Asp Ala Leu" was corrected to "Asn Leu Asn Tyr Ala Gly Asp Ala Leu"). This correction is supported by the originally filed specification (e.g., peptide 3028 in Table III, and seventeenth peptide under "Donor AP10" column in Table IV). Thus, the Sequence Listing only includes nucleotide and amino acid sequences found in the originally-filed application, and does not contain any new matter. The undersigned representative hereby declares that the content of the paper and computer readable copies of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are identical in content. Consideration and entry of this sequence listing into the specification is respectfully requested.

### **AMENDMENT TO THE DRAWINGS**

The specification has been amended by inserting SEQ ID numbers into the Brief Description of the Drawings at page 2, lines 12-16. Applicants believe this amendment renders the objection to the drawings moot.

### **OBJECTION TO THE DISCLOSURE**

The disclosure was objected to as lacking SEQ ID numbers after all amino acid and nucleotide sequences disclosed therein. The specification has been amended to insert SEQ ID numbers after all amino acid and nucleotide sequences disclosed therein. Applicants believe the amendments render the objection to the drawings moot.

### **REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

Claims 76-78 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Office Action states that the original disclosure is limited to inducing an immune response in order to treat or prevent cancer and inducing an immune response against the tumor antigen BFA5. Claims 76-78 have been amended to indicate that the induced immune response is “against the tumor antigen BFA5 (SEQ ID NO.: 6)”. Support for this amendment can be found at, for example, p. 2, line 27 to p. 4, line 19 and Table IV. Applicants believe the amendment satisfies the deficiencies referred to in the Office Action, and respectfully request withdrawal of these rejections.

### **REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 76-78 stand rejected under 35 U.S.C. § 112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that in claims 67, 73, and 75 do not clearly indicate “if the claim language should be interpreted as defining the peptides using open or closed language”. Claim 73 has been amended to delete the term “having”, and clearly indicates that claim encompasses the peptide shown therein. SEQ ID NO.: 51 has been corrected; the reasoning supporting the rejection of claims 67 and 75 is therefore moot. Claims 67, 69, and 73-78 are intended to encompass the peptides listed therein without

additions, deletions, or modifications (e.g., closed language). Applicants believe the amendment satisfies the deficiencies referred to in the Office Action, and respectfully request withdrawal of these rejections.

**REJECTIONS UNDER 35 U.S.C. § 102(b)**

Claims 67, 69, and 73-78 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 01/47959 ('959 application). It is noted that Applicants stated above with respect to the 35 U.S.C. § 112, second paragraph that the state that peptides of claims 67, 69, and 73-78 do not include additions, deletions, or modifications of each of the claimed peptides. The Office Action states that the '959 application discloses ELMDMQTFKA. Claim 73 is directed to the peptide LMDMQTFKA (SEQ ID NO.:7), which is not disclosed by the '959 application, and cannot therefore anticipate the same. Claim 75 has been amended to delete reference to SEQ ID NO.: 28; the rejection as to SEQ ID NO.: 28 is therefore moot. In view of these amendments and remarks, withdrawal of these rejections is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 102(e)**

Claims 67, 69, and 73-78 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,911,529 ('529 patent). The Office Action states that Applicants' claimed subject matter is anticipated by SEQ ID NO.:16 of the '529 patent. It is noted that Applicants stated above with respect to the 35 U.S.C. § 112, second paragraph that the state that peptides of claims 67, 69, and 73-78 do not include additions, deletions, or modifications of each of the claimed peptides. The Office Action does not indicate that the '529 patent discloses Applicants' claimed peptides, except as part of SEQ ID NO.:16. Applicants' claims are directed to particular peptides. In view of these amendments and remarks, withdrawal of these rejections is respectfully requested.

### **CONCLUSIONS**

Consideration and entry of this Statement and attachments is respectfully requested. Applicants believe the application is in order and the claims are allowable. As such, it is respectfully requested that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the undersigned if it is believe doing so would expedite prosecution.

Respectfully submitted,

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